IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPEAL NO. 641 OF 2004.

The State of Maharashtra ..Appellant.
V/s.
Deepak P. Patil ..Respondent.

Shri D.P.Adsule, APP for the appellant-State.

CORAM: J.H.BHATIA,J

DATED: 19th January 2007.

P.C.:

. Heard Shri Adsule, learned APP for the State. None for the respondent though served.

2. The State has preferred this appeal challenging the order passed by the 6th Ad hoc Additional Sessions Judge, Pune, in Sessions Case No. 377 of 2003, whereby the accused-respondent was acquitted of the offence under sections 498-A and 306 of the Indian Penal Code. According to the prosecution, the deceased Vaishali @ Deepali was married to the respondent on 18.4.2000 and out of this wedlock they were blessed with a daughter. Sometime in November 2002, Vaishali made a grievance to her parents telephonically that the respondent used to come home late under influence of alcohol and used to ill-treat her and

threatened her to send her to her parental house. When she sought explanation from the respondent as to why he used to come late or remained absent on holidays, he had abused her. On 11.4.2003, respondent informed her in laws that his wife was ill and was hospitalised but because of fluctuation of her blood pressure she had died. On a complaint lodged by the father of the deceased Vaishali, offence was registered and accused was put to trial.

3. The learned Additional Sessions Juidge noted in para 11 of his judgment that no poison or even empty container of the poison was found in the house. The C.A. report clearly reveals that its general and specific testing did not reveal any poison in the viscera so also in the blood sample of the deceased. As presence of the poison was ruled out, the Autopsy Surgeon gave final report to the effect that death was due to cerebral oedema with pneumonia. Thus, prosecution has failed to prove that Vaishali had died a suicidal death. The leearned Additional Sessions Judge also noted that there is no evidence to show that respondent used to subject his wife to cruelity; except that on one occasion he had come late under influence of liquor.

4. In the circumstances, I do not find any material on the basis of which respondent-accused could be convicted. There is no fault in the impugned order.

5. In the above circumstances, appeal is dismissed.

(J.H. BHATIA,J)